

REMARKS

In the July 15, 2004 Office Action, claims 1-7, 10-12, 15-24, 26, 27, and 30-40 stand rejected in view of prior art, while claims 8, 9, 13, and 14 were indicated as containing allowable subject matter. Claims 38 and 40 also were objected to due to informalities. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the January 27, 2004 Office Action, Applicant has amended claims 1, 3, 5, 8-10, 13-17, 21, 23-24, 26, 34-35, and 41 as presented above. Applicant also wishes to thank the Examiner for the indication of allowable subject matter and the thorough examination of this application. Thus, claims 1-24, 26, 27, 30-41 are pending, with claims 1, 3, 5, 10, 15-17, 23, 24, 26, 34, 35, and 41 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Interview Summary

On October 4, 2004, the undersigned conducted a personal interview with Examiner Mohamad Charioui and Examiner John E. Barlow, who are in charge of the above-identified patent application. Applicant wishes to thank Examiners Charioui and Barlow for their courteous interview and the opportunity to discuss the above-identified patent application.

During the interview, claim 1 was discussed. It was suggested that the rejection based on the Goodman patent would be overcome if claim 1 is amended to include that the measurement data are converted into the analytical result at the analysis device.

Claim Objections

In paragraph 2 of the Office Action, claims 8, 13, and 24 were objected to for various informalities. In response, Applicant has amended claims 8 and 13 as set forth above.

Although Applicant appreciates the helpful suggestions of the Office Action, Applicant respectfully disagrees with the claim objections with respect to claim 24. Applicant believes that amending claims 8, 13, and 24 according to the suggestions of the Office Action will render the claim ambiguous and incorrect.

Accordingly, Applicant believes that claims 8, 13, and 24 as presented above do not contain any informalities. Withdrawal of the objections is respectfully requested.

Rejections - 35 U.S.C. § 102

In paragraph 3 of the Office Action, claims 1-7, 10-12, 15-24, 26, 27, and 30-41 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,616,613 to Goodman (“Goodman patent”). In response, Applicant has amended claims 1, 3, 5, 10, 15, 16, 17, 23, 24, 26, 34, 35, and 41 as presented above.

More specifically, Applicant has amended claims 1, 3, 5, 10, 15-17, 23, 24, 26, 34, 35, and 41 to recite more clearly that the measurement data is converted into an analytical result at the analysis device. Applicant believes, and it has been agreed during the October 4, 2004 interview, that this arrangement of the present invention is not anticipated by the Goodman patent.

The Office Action asserts that the processing of the measurement data by the analysis device as defined in claims 1, 3, 5, 10, 15-17, 23, 24, 26, 34, 35, and 41 of the present application is the same as the analysis by the server in step (d) or the analysis by the Web server 16 in column 4, 13-21 and column 34, lines 8-41. However, Applicant believes that the Goodman patent does *not* disclose a conversion of the measurement data into analytical result by the analysis device as required by claims 1, 3, 5, 10, 15-17, 23, 24, 26, 34, 35, and 41 as now amended.

More specifically, in the arrangement of the Goodman patent, the processing of the measurement data as defined in the present invention is performed at the processing device 14 or at the step (b) of column 4, lines 5-11, *not* at the server 16 or the step (d) of column 4, lines 14-20. Although the Goodman patent uses the term “analysis” in column 4, line 17, the analysis of the Goodman patent is different from the processing of claims 1, 3, 5, 10, 15-17, 23-24, 26, 34-35, and 41 as defined in the specification of the present application.

Specifically, the “processing” of claims 1, 3, 5, 10, 15-17, 23-24, 26, 34-35, and 41 of the present invention refers to a process of converting a first set of data into a new second set of data. Examples of such processing include calculation of blood coagulation time based on the degree of light scattering described on page 6, line 19 – page 7, line 13 of the specification.

On the other hand, the analysis performed at the step (d) of column 4, lines 14-20 of the Goodman patent is nothing more than storage and distribution of data. More specifically, the Web server 16 receives physiological data from a plurality of processing devices 14, stores such physiological data as well as other related data, transmits such data to the processing devices 14, and allows third parties to access such data. *See* column 9, lines 34-48, column 34, line 8 – column 35, line 36. There is no disclosure or suggestion in the Goodman patent that the Web server 16 performs any conversion of data as required by claims 1, 3, 5, 10, 15-17, 23-24, 26, 34-35, and 41 of the present application. In other words, the Web server 16 of the Goodman patent does *not* perform the analysis as set forth in claims 1, 3, 5, 10, 15-17, 23-24, 26, 34-35, and 41 of the present application. Rather, such conversion of data takes place in the processing device 14, which performs conditioning of raw PPG signal (electrical signal) detected by the PPG sensor 12, issuance of digital volume pulse (DVP) based on raw PPG signal, and a pulse contour analysis of the DVP signal to obtain various

physiological data, which are sent to the Web server 16. *See* column 15, line 14 – column 17, line 20 and column 18, line 8+, particularly column 18, lines 8-14.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Clearly, the Goodman patent does not disclose or suggest the analysis device processing the measurement data to convert the measurement data into an analytical result. Therefore, Applicant respectfully submits that claims 1, 3, 5, 10, 15-17, 23-24, 26, 34-35, and 41 as presented above are not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that the dependent claims 2, 4, 6-7, 11-12, 18-22, 27, 30-33, 36-40 are also allowable over the prior art of record in that they depend from independent claims 1, 3, 5, 10, 15-17, 23-24, 26, and 34-35, and therefore are allowable for the reasons stated above. Thus, Applicant believes that since the prior art of record does not anticipate the independent claims 1, 3, 5, 10, 15-17, 23-24, 26, and 34-35, neither does the prior art anticipate the dependent claims.

Applicant respectfully requests withdrawal of the rejections.

Allowable Subject Matter

In paragraph 5 of the Office Action, claims 8, 9, 13, 14 were indicated as containing allowable subject matter. Applicant wishes to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. Since claims 5 and 10 are now believed to be allowable, Applicant also believes that claims 8, 9, 13, and 14 continue to be allowable.

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Reply to Office Action of July 15, 2004

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-24, 26, 27, and 30-41 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,



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